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January 23, 2024

By ECF & Email

Honorable Analisa Torres, U.S.D.J.
United State District Judge
Southern District of New York
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New York, NY 10007
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Re: Doe v. Portnow, et al.; Civil Action No. 1:24-cv-00345

Dear Judge Torres:

We represent Defendant The National Academy of Recording Arts & Sciences, Inc. ("Defendant") in connection with the above-referenced matter. As you know, Defendant removed this action to this Court on January 17, 2024. Yesterday, Plaintiff's counsel advised that they did not consent to removal and this Court set a briefing schedule which provides that any remand motion will be fully-briefed by March 4, 2024.

Pursuant to Fed. R. Civ. P. 81(c)(2)(C), Defendant must file a responsive pleading, including any dispositive motion, seven (7) days after the notice of removal is filed. In this case, that date would be Wednesday, January 24, 2024.

Here, Defendant intends on filing a dispositive motion. Pursuant to Your Honor's Individual Practices in a Civil Case, specifically Rule III.B, by January 24, 2024, Defendants must first serve a letter upon Plaintiff "seeking a more definite statement or setting forth the specific pleading deficiencies in the complaint and other reasons or controlling authorities that defendant contends would warrant dismissal."

In light of Plaintiff's stated intention to move to remand and the Court's recently issued briefing schedule, Defendant respectfully requests that the time to serve a letter upon Plaintiff pursuant to Rule III.B, be extended from January 24, 2024 to seven (7) days following this Court's issuance of a decision on the remand motion.¹

We appreciate the Court's attention to this matter.

¹ This request for an extension is being filed in accordance with Your Honor's Individual Rule 1.C. This is the first request for an extension with respect to Your Honor's "Special Rules for Motions to Dismiss," particularly Rule III.B. Defense counsel emailed Plaintiff's counsel to ask if they consent to the extension request; as of the filing of this letter motion, Plaintiff's counsel has not responded to defense counsel's email. In light of the impending due date, defense counsel submits this request for the Court's consideration without Plaintiff's counsel's position.



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Respectfully submitted,

/s/ Michelle A. Annese

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cc: All Counsel of Record (by ECF and email)